

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

vs.

BRYAN S. BEHRENS, et al.,

Defendants.

8:08-CV-13

ORDER

This matter is before the Court on a "Motion for Relief/Other Update on filing fee" (filing [432](#)) filed by *pro se* defendant Bryan S. Behrens. Behrens' motion contains five separate requests: (1) a request for status, (2) a request for extension of the initial partial filing fee deadline, (3) a request for transfer of funds, (4) a request for copies, and (5) a request for a partial copy of the Court's docket. The Court will provide Behrens with a copy of the docket, but will deny the balance of his motion.

First, Behrens asks for an update on the status of the initial partial filing fee that the Court directed him to file on or before November 4, 2014. *See* filing [429](#). The Court will grant Behrens' request for status: the Court received a payment on October 14 that was credited to Behrens' initial partial filing fee, and finds that Behrens has substantially complied with the Court's initial partial filing fee deadline. The Court considers that obligation satisfied, and will continue collecting the balance of the appellate filing fee as set forth in the Court's order (filing [429](#)) and [28 U.S.C. § 1915\(b\)\(1\)](#). Accordingly, Behrens' second request, for an extension of the filing fee deadline, is moot.

Next, Behrens makes a peculiar request for \$8,000 in receivership assets to be released to him, claiming that release of the funds was ordered in January 2008 but that he never received them. Filing [432](#) at 2. He is wrong. On January 31, 2008, the Court froze Behrens' assets but ordered that he and his wife "shall be entitled to withdraw a total of \$4,000 per month for January and February 2008 . . . for reasonable living expenses." Filing [51](#) at 4. On February 1, the Court released certain specified bank accounts from the

asset freeze, permitting Behrens to withdraw the funds. Filing 53. If he failed to do so at the time, the Court cannot help him now.¹

Fourth, Behrens asks the Court for copies of an enormous number of documents, purportedly to prepare for his appeal. Filing 432 at 3-4. The Court will deny this request. Behrens is asking for 567 pages of documents, and the Court sees no useful purpose for most of them. It is evident to the Court that Behrens intends to embark on a fishing trip, looking for things to complain about to the Eighth Circuit that were not objected to in this Court. And if that's how he wishes to spend his time, the Court can't stop him—but as has been repeatedly explained, the Court need not pay his litigation expenses. See 28 U.S.C. § 1915; *Lewis v. Precision Optics, Inc.*, 612 F.2d 1074, 1075 (8th Cir. 1980); see also, *Jackson v. Fla. Dep't of Fin. Servs.*, 479 Fed. Appx. 289, 292-93 (11th Cir. 2012); *Harless v. United States*, 329 F.2d 397, 398-99 (5th Cir. 1964); *Douglas v. Green*, 327 F.2d 661, 662 (6th Cir. 1964); *Hullom v. Kent*, 262 F.2d 862, 863-64 (6th Cir. 1959); *In re Fullam*, 152 F.2d 141, 141 (D.C. Cir. 1945); *Parker v. Dir. of Dep't of Corrs*, 2010 WL 7746630, at *1 (E.D. Va. Feb. 16, 2010).² His request for copies will be denied.

Finally, Behrens asks for a copy of the Court's docket from filing 372 to present. Filing 432 at 4. That, the Court will provide; the requested information has been appended to this order.

IT IS ORDERED:

1. Behrens' "Motion for Relief/Other Update on filing fee" (filing 432) is granted in part and denied in part, as follows:

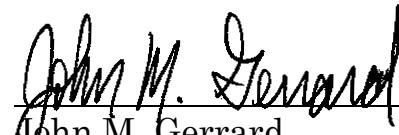
¹ Nor, obviously, is the Court persuaded that Behrens actually didn't get the money by Behrens' bare, unsupported inability to remember it, 6 years later. But even if that was proved, the Court would be disinclined to offer any relief: the funds were released to pay the Behrens' reasonable living expenses for January and February 2008. Those expenses are long past, one way or the other, and Behrens' obligations to his victims remain. Simply put: if there's actually \$8,000 out there with Behrens' name on it, the civil judgment against him and restitution order will take priority.

² Behrens also asks for information about how to pay for copies. Pursuant to NEGenR 1.2(f) and the fee schedule set by the Administrative Office of the United States Courts, the charge for reproducing any record or paper is 50¢ per page. Paper copies of documents accessed electronically from the public terminals available in the clerk's office at the U.S. Courthouse in Lincoln or Omaha during regular business hours may, pursuant to NEGenR 1.3(a)(1)(A)(iii) and the fee schedule for electronic public access set by the Administrative Office of the United States Courts, be purchased for 10¢ per page.

- a. Behrens' request for status is granted as set forth above.
- b. Behrens' request for extension of the initial partial filing fee deadline is denied as moot.
- c. Behrens' request for transfer of funds is denied.
- d. Behrens' request for copies is denied.
- e. Behrens' request for a partial copy of the Court's docket is granted.

Dated this 5th day of November, 2014.

BY THE COURT:



John M. Gerrard
United States District Judge

APPEAL,CLOSED,NEBRASKADOCKET,PROTECTIVEORDER,TRIAL-OMAHA,USAPLAINIFF

U.S. District Court
District of Nebraska (8 Omaha)
CIVIL DOCKET FOR CASE #: 8:08-cv-00013-JMG-CRZ

Securities and Exchange Commission v. Behrens, et al
Assigned to: Judge John M. Gerrard
Referred to: Magistrate Judge Cheryl R. Zwart
Case in other court: USCA – 8th Circuit, 13–02450
USCA–8th Circuit, 14–03299
USDC–NE, 8:13cv72
Cause: 15:78m(a) Securities Exchange Act

Date Filed: 01/10/2008
Date Terminated: 07/17/2014
Jury Demand: Plaintiff
Nature of Suit: 850
Securities/Commodities
Jurisdiction: U.S. Government Plaintiff

Date Filed	#	Docket Text
11/08/2013	<u>372</u>	ORDER – The receiver is directed not to destroy any files or records until further order of the Court. The receiver is directed to respond to Behren's motion (filing <u>371</u>), specifically addressing: (a) Behrens' stated grounds for resisting destruction of the documents, and (b) whether it is feasible to transfer the documents to Behrens or an associate of Behrens. The receiver's response shall be filed, absent any request for extension, on or before November 22, 2013. Ordered by Judge John M. Gerrard. (Copy mailed to pro se party)(GJG) (Entered: 11/08/2013)
11/12/2013	<u>373</u>	MOTION to Set Aside Judgment filed by Defendant Bryan S. Behrens. (GJG)(This motion is one of three identical documents received) Modified on 11/20/2013 attach # <u>1</u> Paper copy of fax document previously filed as filing 373 (GJG). (Entered: 11/14/2013)
11/19/2013	<u>374</u>	MEMORANDUM AND ORDER – Behrens' motion for relief under Fed. R. Civ. P. 60(b) (filing <u>373</u>) is denied. Ordered by Judge John M. Gerrard. (Copy mailed to pro se party)(GJG) (Entered: 11/19/2013)
11/20/2013	<u>375</u>	RESPONSE regarding MOTION for Reconsideration <u>371</u> , Order, Set/Reset Motion and R&R Deadlines/Hearings,,, <u>372</u> by Attorney John D. Stalnaker on behalf of Receiver Thomas D. Stalnaker. (Attachments: # <u>1</u> Exhibit Index of Records)(Stalnaker, John) (Entered: 11/20/2013)
12/09/2013	<u>376</u>	MOTION for Entry of Final Judgment by Attorney Paul W. Kisslinger on behalf of Plaintiff Securities and Exchange Commission.(Kisslinger, Paul) (Entered: 12/09/2013)
12/09/2013	<u>377</u>	BRIEF in support of MOTION for Entry of Final Judgment <u>376</u> by Attorney Paul W. Kisslinger on behalf of Plaintiff Securities and Exchange Commission.(Kisslinger, Paul) (Entered: 12/09/2013)
12/09/2013	<u>378</u>	INDEX in support of MOTION for Entry of Final Judgment <u>376</u> by Attorney Paul W. Kisslinger on behalf of Plaintiff Securities and Exchange Commission. (Attachments: # <u>1</u> Affidavit Declaration of Nina B. Finston, # <u>2</u> Text of Proposed Order Proposed Final Judgment)(Kisslinger, Paul) (Entered: 12/09/2013)
12/11/2013	<u>380</u>	NOTICE OF APPEAL regarding Memorandum and Order <u>374</u> on behalf of Defendant Bryan S. Behrens. Defendant's copy of Notice of Appeal mailed to Bryan S. Behrens, #22932–047, FPC–TERRE HAUTE, Inmate Mail/Parcels, P.O. Box 33, Terre Haute, IN 47808. (Attachments: # <u>1</u> Transmittal Letter from 8th Circuit) (JSF) (Entered: 12/16/2013)
12/16/2013	<u>379</u>	MOTION for Update on behalf of Defendant Bryan S. Behrens. (JSF) (Entered: 12/16/2013)
12/16/2013	<u>381</u>	COPY OF IFP MEMO prepared by Deputy Clerk and sent to District Judge John M. Gerrard regarding Notice of Appeal to USCA <u>380</u> as to Defendant Bryan S. Behrens. (JSF) (Entered: 12/16/2013)

12/16/2013	<u>382</u>	LETTER by Clerk requesting plaintiff's trust account statement from institution. (JSF) (Entered: 12/16/2013)
12/17/2013	<u>383</u>	RESPONSE regarding MOTION for Entry of Final Judgment <u>376</u> and MOTION for Clarification, Motion for Hearing, Motion for Discovery, Motion for Counsel, Motion to stay the Motions filed by the SEC for Final Judgement as premature and objection to motions filed by Defendant Bryan S. Behrens. (GJG) (Entered: 12/17/2013)
12/19/2013	<u>384</u>	MEMORANDUM AND ORDER regarding Notice of Appeal filing <u>380</u> . The defendant is not entitled to proceed in forma pauperis on appeal. The Clerk of the Court is directed to forward a copy of this memorandum and order to the Eighth Circuit Court of Appeals. Ordered by Judge John M. Gerrard. (Copy mailed to pro se party; sent electronically to the Court of Appeals)(GJG) (Entered: 12/19/2013)
12/19/2013	<u>385</u>	ORDER – The defendant's "Motion for Update" (filing <u>379</u>) is granted. The Clerk of the Court is directed to provide the defendant with a copy of filing <u>375</u> and <u>375</u> –1. The defendant's motion for miscellaneous relief (filing <u>383</u>) is denied. Ordered by Judge John M. Gerrard. (Copy mailed to pro se party)(GJG) (Entered: 12/19/2013)
12/19/2013	<u>386</u>	NOTIFICATION OF APPEAL AND NOA SUPPLEMENT by Clerk to USCA regarding Notice of Appeal to USCA, <u>380</u> , Memorandum and Order, <u>384</u> , Order on Motion to Set Aside <u>374</u> . Notice of Appeal filed on 12/11/2013 by Defendant Bryan S. Behrens. (GJG) (Entered: 12/19/2013)
12/19/2013	<u>387</u>	NOTICE regarding MOTION for Entry of Final Judgment <u>376</u> – <i>Notice by Certain Investor Victims Regarding Possibly Opposing One or More Aspects of Filing No. 376</i> by Attorney Patrick E. Brookhouser, Jr on behalf of Interested Parties Phillip Bliss, Larry Carlson, JoAnn Green, William Green, Lorraine Hopson, Marilyn Katz, Leslie H. Berry Revocable Trust, Robert Lohrman, Sharon Lohrman, Marlin Lustgraaf, Bonnie McMahan, Michael McMahan, Rita McSharry, Dee Poole, Jean Poole, Barbara M. Vacanti, Milo Vacanti (Brookhouser, Patrick) (Entered: 12/19/2013)
12/19/2013	<u>388</u>	ORDER – Response brief's in opposition to the plaintiff's Motion for Entry of a Final Judgment (filing <u>376</u>) may be filed on or before January 8, 2014. Reply briefs in support of the plaintiff's motion may be filed on or before January 22, 2014. Absent any further extensions of time, the plaintiff's motion will be submitted to the Court for disposition on January 23, 2014. Ordered by Judge John M. Gerrard. (Copy mailed to pro se party)(GJG) (Entered: 12/20/2013)
12/20/2013	<u>389</u>	MOTION for Leave to Appeal in forma pauperis filed by Defendant Bryan S. Behrens.(GJG) (Entered: 12/20/2013)
12/20/2013	<u>390</u>	MOTION FOR CLARIFICATION, MOTION FOR A HEARING, MOTION FOR DISCOVERY, MOTION FOR COUNSEL, MOTION TO STAY THE MOTIONS, filed by the SEC for FINAL JUDGEMENT AS PREMATURE AND OBJECTION TO MOTIONS filed by Defendant Bryan S. Behrens. (GJG) (Entered: 12/20/2013)
12/20/2013	391	TEXT ORDER denying as moot <u>390</u> Motion for miscellaneous relief. Motion is a duplicate of <u>383</u> motion for miscellaneous relief and has already been denied by the Court's Order <u>385</u> of December 19, 2013. Ordered by Judge John M. Gerrard. (DCD) (Entered: 12/20/2013)
12/20/2013	<u>392</u>	ORDER – The defendant's motion to proceed in forma pauperis (filing <u>389</u>) is denied. The Clerk of the Court is directed to send a copy of this order to the Eighth Circuit Court of Appeals. Ordered by Judge John M. Gerrard. (Copy mailed to pro se party; transmitted electronically to the 8th Circuit)(GJG) (Entered: 12/20/2013)
12/26/2013	<u>393</u>	SUPPLEMENT TO USCA RECORD (NOTICE OF APPEAL) regarding Order on Motion to Set Aside <u>374</u> on behalf of Defendant Bryan S. Behrens. Defendant's copy of Notice of Appeal mailed to Bryan S. Behrens, #22932-047, FPC-TERRE HAUTE, Inmate Mail/Parcels, P.O. Box 33, Terre Haute, IN 47808. (GJG) Modified on 12/27/2013 to change entry at the direction of chambers because filing <u>393</u> was an amended version of the original notice of appeal filing <u>380</u> . (GJG). (Entered: 12/26/2013)
12/26/2013	<u>394</u>	MOTION for Leave to Amend Pleading filed by Defendant Bryan S. Behrens. (GJG) (Entered: 12/26/2013)

12/26/2013	<u>395</u>	COPY OF IFP MEMO prepared by Deputy Clerk and sent to District Judge John M. Gerrard regarding Notice of Appeal to USCA, <u>393</u> as to Defendant Bryan S. Behrens. (GJG) (Entered: 12/26/2013)
12/30/2013	<u>396</u>	MEMORANDUM AND ORDER denying <u>394</u> Motion for Leave to Amend Pleading. The Clerk of the Court is directed to send a copy of this order to the Eighth Circuit Court of Appeals. Ordered by Judge John M. Gerrard. (Copy mailed to pro se party and as directed) (JSF) (Entered: 12/30/2013)
01/02/2014	<u>397</u>	PRISONER ACCOUNT CERTIFICATE AND STATEMENT by Defendant Bryan S. Behrens. ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E-GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). (ADB,) (Entered: 01/02/2014)
01/08/2014	<u>398</u>	MOTION to Stay Entry of Final Judgment filed by Defendant Bryan S. Behrens. (GJG) (Additional attachment(s) added on 1/13/2014: # <u>1</u> Motion to Stay Entry of Final Judgment) (TCL,). (Entered: 01/08/2014)
01/08/2014	<u>399</u>	BRIEF in opposition to MOTION for Entry of Final Judgment <u>376</u> by <i>Certain Investor Victims</i> by Attorney Patrick E. Brookhouser, Jr on behalf of Interested Parties Phillip Bliss, Larry Carlson, JoAnn Green, William Green, Lorraine Hopson, Marilyn Katz, Leslie H. Berry Revocable Trust, Robert Lohrman, Sharon Lohrman, Marlin Lustgraaf, Bonnie McMahan, Michael McMahan, Rita McSharry, Dee Poole, Jean Poole, Barbara M. Vacanti, Milo Vacanti.(Brookhouser, Patrick) (Entered: 01/08/2014)
01/08/2014	<u>400</u>	BRIEF in opposition to MOTION for Entry of Final Judgment <u>376</u> by Attorney Andrew D. Strotman on behalf of Intervenor Plaintiff Marion Gail Buchanan.(Strotman, Andrew) (Entered: 01/08/2014)
01/10/2014	<u>401</u>	COPY of Order from USCA – 8th Circuit (14–1083). The \$505 appellate filing and docketing fee has not been paid and is due. Appellant is directed to either pay the fee in the district court or file a motion for leave to proceed in forma pauperis in this court within 28 days of the date of this order. If appellant does not pay the fee or move for IFP status by February 7, 2014, this appeal will be dismissed for failure to prosecute without further notice. (Attachments: # <u>1</u> Transmittal Letter)(GJG) (Entered: 01/13/2014)
01/10/2014	<u>402</u>	COPY of Order from USCA – 8th Circuit (14–1083). If the original file of the United States District Court is available for review in electronic format, the court will rely on the electronic version of the record in its review. The appendices required by Eighth Circuit Rule 30A shall not be required. (GJG) (Entered: 01/13/2014)
01/15/2014	<u>403</u>	REPLY BRIEF in support of MOTION for Entry of Final Judgment <u>376</u> by Attorney Paul W. Kisslinger on behalf of Plaintiff Securities and Exchange Commission.(Kisslinger, Paul) (Entered: 01/15/2014)
01/27/2014	<u>404</u>	MOTION for Status on behalf of Bryan Behrens.(TCL) (Entered: 01/28/2014)
01/31/2014	<u>405</u>	Interim MOTION for Release of Funds by Attorney Thomas D. Stalnaker on behalf of Receiver Thomas D. Stalnaker. (Attachments: # <u>1</u> Exhibit Stalnaker Becker & Buersh, PC Statement)(Stalnaker, Thomas) (Entered: 01/31/2014)
02/10/2014	<u>406</u>	Copy of proposed order regarding MOTION for Entry of Final Judgment <u>376</u> <i>Amended Proposed Final Judgment</i> by Attorney Paul W. Kisslinger on behalf of Plaintiff Securities and Exchange Commission.(Kisslinger, Paul) Modified on 2/13/2014 to reflect what the document actually is. (JAB) (Entered: 02/10/2014)
02/19/2014	<u>407</u>	ORDER – The Ninth Application for Receiver's Compensation and Reimbursement of Expenses (filing <u>405</u>) is approved. Ordered by Judge John M. Gerrard. (GJG) Modified on 2/19/2014 to reflect copy mailed to pro se party (GJG). (Entered: 02/19/2014)
02/26/2014	<u>408</u>	COPY of Order (Judgment) from USCA – 8th Circuit (14–1083). The court has carefully reviewed the original file of the United States District Court and orders that this appeal be dismissed for lack of jurisdiction. The motion to proceed on appeal in forma pauperis and the motion for appointment of counsel, filed by Appellant Mr.

		Bryan S. Behrens, are denied as moot. The full \$505.00 appellate filing and docketing fees are assessed against the appellant. The court remands the collection of those fees to the district court. (Attachments: # <u>1</u> Transmittal Letter)(GJG) (Entered: 02/26/2014)
02/26/2014	<u>409</u>	ORDER – Behrens' institution shall collect the full \$505.00 appellate filing and docketing fees from him by installment in the manner set forth in 28 U.S.C. § 1915(b)(2), and shall forward those installments to the Court. The Clerk of the Court is directed to send a copy of this order to the appropriate official at Behrens' institution. Ordered by Judge John M. Gerrard. (Copy mailed to pro se party and as directed)(GJG) (Entered: 02/26/2014)
05/01/2014	<u>410</u>	STATUS REPORT – 8th by Attorney Thomas D. Stalnaker on behalf of Receiver Thomas D. Stalnaker.(Stalnaker, Thomas) (Entered: 05/01/2014)
05/13/2014	<u>411</u>	ORDER – The Receiver's Eighth Status Report (filing <u>410</u>) is approved. The receiver is directed to collect available tail commissions, make a final distribution, and submit a final report to the Court on or before July 14, 2014. The Clerk of the Court is directed to set a status report deadline of July 14, 2014. Ordered by Judge John M. Gerrard. (Copy mailed to pro se party)(GJG) (Entered: 05/13/2014)
05/16/2014	<u>412</u>	COPY of Order from USCA – 8th Circuit (14–1083). The petition for rehearing en banc is denied, as overlength. The petition for rehearing by the panel is also denied, as overlength. (GJG) (Entered: 05/19/2014)
05/23/2014	<u>413</u>	MANDATE/JUDGMENT from USCA – 8th Circuit(14–1083). In accordance with the judgment <u>408</u> of 02/26/2014, and pursuant to the provisions of Federal Rule of Appellate Procedure 41(a), the formal mandate is hereby issued in the above–styled matter. (JAB) (Entered: 05/23/2014)
06/09/2014	<u>414</u>	MOTION for Relief and Judicial Notice on behalf of Defendant Bryan S. Behrens. (JSF) (Entered: 06/09/2014)
07/02/2014	<u>415</u>	RESPONSE regarding MOTION for Relief and Judicial Notice <u>414</u> by Attorney John D. Stalnaker on behalf of Receiver Thomas D. Stalnaker.(Stalnaker, John) (Entered: 07/02/2014)
07/10/2014	<u>416</u>	STATUS REPORT – Receiver's Final Report by Attorney Thomas D. Stalnaker on behalf of Receiver Thomas D. Stalnaker. (Attachments: # <u>1</u> Exhibit "A", # <u>2</u> Exhibit "B", # <u>3</u> Exhibit "C")(Stalnaker, Thomas) (Entered: 07/10/2014)
07/11/2014	<u>417</u>	MEMORANDUM AND ORDER – Behrens' "Motion for Relief and Judicial Notice" (filing <u>414</u>) is denied. Behrens' "EMERGENCY" Motion for Reconsideration, And to Hault [sic] All destruction of documents" (filing <u>371</u>) is denied as moot. The Court confirms its own jurisdiction and the receiver's authority to administer the receivership pursuant to 11 U.S.C. §§ 362(b)(4) and 543(d). The receiver is directed to retain documents in his possession until a final judgment is entered in this case, at which time the documents may be given to the bankruptcy trustee, or returned to Behrens or an agent of Behrens. Ordered by Judge John M. Gerrard. (Copy mailed to pro se party)(GJG) (Entered: 07/11/2014)
07/14/2014	<u>418</u>	ORDER – The Receiver's Final Report (filing <u>416</u>) is approved. The receiver's application for payment of \$5,290.07 is approved. Ordered by Judge John M. Gerrard. (Copy mailed to pro se party)(GJG) (Entered: 07/14/2014)
07/15/2014	<u>419</u>	RESPONSE TO RECEIVERS RESPONSE AND REQUEST FOR RELIEF AND REQUEST FOR ADDITIONAL RELIEF AND ANSWERS TO QUESTIONS, INCLUDING THIS COURTS JURISDICTION filed by Defendant Bryan S. Behrens. (GJG) Modified on 7/18/2014 to add additional attachment as directed by chambers. (Paper Document received by mail) (GJG). (Entered: 07/15/2014)
07/17/2014	<u>420</u>	MEMORANDUM AND ORDER – The plaintiff's Motion for Entry of a Final Judgment (filing <u>376</u>) is granted in part, and denied in part. Behrens' motion to stay (filing <u>398</u>) is denied. The defendants shall pay, jointly and severally, disgorgement of \$6,604,593, and prejudgment interest in the amount of \$2,923,956, for a total of \$9,528,549. Any amounts recovered by the plaintiff in satisfaction of this judgment shall be paid to the defendants' victims on a pro rata basis. Amounts recovered by the receiver appointed in this case, or paid toward Behrens' criminal restitution award, shall be credited toward the judgment in this case. The Court's Judgment as to

		Defendants and Appointment of Receiver (filing <u>85</u>) is adopted and incorporated herein. The Court shall retain jurisdiction of this matter for purposes of enforcing the terms of the final judgment. This case is closed. Pursuant to Fed. R. Civ. P. 59(a), a separate judgment will be entered. Ordered by Judge John M. Gerrard. (Copy mailed to pro se party; copy to finance)(GJG) (Entered: 07/17/2014)
07/17/2014	<u>421</u>	JUDGMENT – Pursuant to the Court's memorandum and order entered this day, <u>420</u> judgment is entered for the plaintiff and against the defendants, jointly and severally, in the amount of \$9,528,549. Ordered by Judge John M. Gerrard. (Copy mailed to pro se party)(GJG) (Entered: 07/17/2014)
09/19/2014	<u>422</u>	NOTICE OF APPEAL regarding Judgment <u>421</u> , Memorandum and Order <u>420</u> on behalf of Defendant Bryan S. Behrens. (Copy mailed to defendant at FPC–TERRE HAUTE, Inmate Mail/Parcels, P.O. Box 33, Terre Haute, IN 47808) PART 1 OF 2 (TCL) (Entered: 09/19/2014)
09/19/2014	<u>423</u>	Certificate of Service and Request for Service on behalf of Defendant Bryan S. Behrens.(TCL) (Entered: 09/19/2014)
09/19/2014	<u>424</u>	PRISONER ACCOUNT STATEMENT. ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E–GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). (TCL) (Entered: 09/19/2014)
09/19/2014	<u>425</u>	COPY OF IFP MEMO prepared by Deputy Clerk and sent to District Judge John M. Gerrard regarding Notice of Appeal to USCA <u>422</u> as to Defendant Bryan S. Behrens. (TCL) (Entered: 09/19/2014)
09/19/2014	<u>426</u>	LETTER by Clerk requesting plaintiff's trust account statement from institution. (Requested by JMG Chambers) (NMW) (Entered: 09/19/2014)
09/22/2014	<u>427</u>	ORDER that the defendant's motion to stay execution of the judgment (filing <u>422</u>) is denied. The defendant's "request for service" (filing <u>423</u>) is denied. The defendant's request for copies is denied. The defendant's motion to proceed in forma pauperis is taken under advisement. Ordered by Judge John M. Gerrard. (Copy mailed to pro se party)(ADB) (Entered: 09/22/2014)
09/29/2014	<u>428</u>	PRISONER ACCOUNT CERTIFICATE by Defendant Bryan S. Behrens. ACCESS TO THE PDF DOCUMENT IS RESTRICTED TO CASE PARTICIPANTS AND THE COURT PURSUANT TO THE E–GOVERNMENT ACT AND FEDERAL RULE OF CIVIL PROCEDURE 5.2(a). (GJG) (Entered: 09/29/2014)
10/02/2014	<u>429</u>	MEMORANDUM AND ORDER – Behrens' request for leave to appeal in forma pauperis (filing <u>422</u>) is granted. Behrens shall pay an initial partial filing fee of \$18.97 by November 4, 2014, unless an enlargement of time is granted in response to a written motion. The Clerk of the Court is directed to set a case management deadline of November 4, 2014. After payment of the initial partial filing fee, Behrens' institution shall collect the additional monthly payments in the manner set forth in 28 U.S.C. § 1915(b)(2), quoted above, and shall forward those installments to the Court. The Clerk of the Court is directed to send a copy of this order to the appropriate official at Behrens' institution and to the Eighth Circuit Court of Appeals. Ordered by Judge John M. Gerrard. (Copy mailed to pro se party and as directed)(GJG) (Entered: 10/02/2014)
10/02/2014	<u>430</u>	NOTIFICATION OF APPEAL AND NOA SUPPLEMENT by Clerk to USCA regarding Memorandum and Order, <u>429</u> , Judgment, <u>421</u> , Memorandum and Order <u>420</u> , and Notice of Appeal to USCA <u>422</u> . Notice of Appeal filed on 9/19/2014 by Defendant Bryan S. Behrens. (GJG)(Copy mailed to pro se party) (Entered: 10/02/2014)
10/15/2014	<u>431</u>	SCHEDULING/LIEU LETTER from USCA – 8th Circuit (14–3299) regarding Notice of Appeal to USCA <u>422</u> . Appellate Docket Number 14–3299 – the Court will consider this appeal on the original file in lieu of the designation of record. (Attachments: # <u>1</u> Transmittal Letter)(GJG) (Entered: 10/15/2014)
10/30/2014	<u>432</u>	MOTION for Update on filing fee filed by Defendant Bryan S. Behrens. (GJG) (Entered: 10/30/2014)